

August 26, 2003

The Honorable Kevin Martin
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Wireless Local Number Portability

Dear Commissioner Martin:

We are writing to request that the Commission provide clear guidance to wireless telecommunications carriers regarding implementation of wireless local number portability (WLNP). Consumers expect to be able to take their wireline and wireless phone numbers with them when they transfer carriers on November 24, a date that is fast approaching. To ensure all numbers are ported correctly, we ask you to deny the Wireless Carriers Group's Petition for a Declaratory Ruling and its Application for Review¹ and approve the letter from John Muleta, Chief of the Wireless Telecommunications Bureau (WTB).

While some carriers appear eager to implement WLNP efficiently and on time, we are disappointed that other companies are treating the WTB letter of July 3, 2003²—which stated clearly that carriers must port without restrictions—as non-binding and irrelevant. Consumers' expectations should not be thwarted; carriers should ensure they have a valid request, then port the number. If wireless providers continue to obstruct the FCC's order we ask that you provide significant enforcement penalties that will ensure prompt compliance.

In their petition, the Wireless Carrier Group (WTG) makes the claim that WLNP would impair their ability to enforce the contracts they made with their customers. In truth, carriers will have the same remedies to enforce contracts that are currently available to them. Carriers should not, however, have the right to hold a regulated public resource like a telephone number hostage in an attempt to prevent a consumer

¹ Petition for Declaratory Ruling or, In the Alternative, Application for Review, CC Docket No. 95-116, filed Aug. 1, 2003.

² Letter from John Muleta, Chief, Wireless Telecommunications Bureau, to John T. Scott, III, Vice President and Deputy General Counsel, Verizon Wireless, and Michael T. Altschul, Senior Vice President, General Counsel, Cellular Telecommunications & Internet Association (DA 03-2190), written July 3, 2003.

from switching providers, nor should they use that resource as leverage to collect payment from consumers, where contracts law provides adequate remedies.

Perhaps most importantly, consumers need guidance as to what to do if on November 24 they try to port and their carrier refuses or delays in an unreasonable fashion. Will they have any recourse? How does the agency plan to enforce the deadline?

Any further attempts to delay WLNP are unacceptable. This issue has been in front of the Commission since March 1997 with an original deadline for completion of July, 1999. Consumers have waited long enough. We urge the Commission to clarify the carriers' unresolved issues, facilitate porting as widely as available, and inform consumers of their rights and remedies should carriers continue to stand in the way of porting their wireless phone number.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Murray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chris Murray
Legislative Counsel, Washington Office
Consumers Union

CC: Wireless communications advisor, Chairman Michael Powell, Commissioners, Kathleen Abernathy, Jonathan Adelstein and Michael Copps, Wireless Telecommunications Bureau Chief John Muleta, Consumer Information Bureau Chief Dane Snowden